



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2591

DATE SCANNED

11/26/13

SCANNER NO.

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SCAN OPERATOR

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 NOV 30 PM 3: 20

November 30, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orroek *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 October Quarterly Report in accordance with 2 U.S.C. 434(a). The 2012 October Quarterly Report was due on October 15, 2012.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report : no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2012 OCTOBER QUARTERLY Not Election Sensitive 10/15/2012 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2572	C00499491	ANDREW HUGHES FOR CONGRESS	HUGHES, ANDREW IFITS	JEFF UPTHEGROVE	\$464,937	0		Not Filed	\$92,987 (est)	\$3,850
2573	C00516468	BENNETT FOR SENATE COMMITTEE	BENNETT, RICHARD A	JOSHUA A. TARDY	\$439,695	0	10/31/2012	16	\$6,000	\$135
2574	C00519686	BRUCE PELLER FOR CONGRESS	PELLER, BRUCE G	PAULA ANDREA HENAO	\$106,430	0		Not Filed	\$35,477 (est)	\$990
2575	C00493742	BYRON GEORGIU FOR SENATE	GEORGIU, BYRON	MATTHEW DICKSON	\$3,490,251	0		Not Filed	\$581,709 (est)	\$11,000
2576	C00508705	COMMITTEE TO ELECT ERNIE BELTZ JR FOR US CONGRESS	BELTZ, ERNIE ALAN JR	NATHAN CHRISTOPHER	\$151,759	0		Not Filed	\$50,586 (est)	\$2,970
2577	C00504266	CONNECTICUT FOR PETER LUMAJ	LUMAJ, PJERIN (PETER)	ANTON RUKAJ	\$527,867	0		Not Filed	\$131,967 (est)	\$4,950
2578	C00506741	DAN HUGHES FOR SENATE	HUGHES, DANIEL J	MICHELLE D. MOONS	\$657,158	0		Not Filed	\$164,290 (est)	\$6,050
2579	C00509471	DAN LILJENQUIST FOR US SENATE	LILJENQUIST, DAN	MIKE MCCAULEY	\$1,689,395	0	10/22/2012	7	\$65,867	\$907
2580	C00458422	DR NOREN FOR US SENATE	NOREN, SCOTT ANDREW	RICHARD PARKER	\$103,717	0	11/8/2012	24	\$16,078	\$230
2581	C00504845	ELECT CLARK HALL	HALL, CLARK MADISON	P.R. CLATWORTHY	\$826,596	0	10/22/2012	7	\$11,803	\$145
2582	C00495119	FRIENDS OF HEATHER MCTEER	MCTEER, HEATHER	MERCIDEES MCIEER	\$676,411	1		Not Filed	\$135,282 (est)	\$6,187
2583	C00255471	HOOSIERS SUPPORTING BUYER FOR CONGRESS	BUYER, CONGRESSMAN STEVE	STEPHANIE MATTIX	\$103,304	0	11/19/2012	Not Filed	\$15,938	\$550
2584	C00507004	JACKSON EATON FOR CONGRESS	EATON, J JACKSON	JILLIAN E. O'MALLEY	\$367,922	0		Not Filed	\$122,641 (est)	\$4,950
2585	C00478818	JIM HORN ELECTION COMMITTEE	HORN, JIM	OLIVIA JULIA HORN	\$182,905	1		Not Filed	\$36,581 (est)	\$1,237
2586	C00507590	KATHLEEN HICKS FOR CONGRESS	HICKS, ERIN KATHLEEN	DR. CAMILLE RODRIGUEZ	\$181,748	0		Not Filed	\$45,437 (est)	\$990
2587	C00501965	KELDA FOR CONGRESS	ROYS, KELDA HELEN	LAURENE BACH	\$842,050	0		Not Filed	\$168,410 (est)	\$6,050
2588	C00505529	LAMAR STERNAD FOR CONGRESS	STERNAD, JUSTIN LAMAR	JUSTIN LAMAR STERNAD	\$128,591	0		Not Filed	\$32,148 (est)	\$990
2589	C00517110	LEAH FOR CONGRESS	SCHANDLBAUER, LEAH CAMPOS	JACOB BROWN	\$128,952	0		Not Filed	\$42,984 (est)	\$990
2590	C00503359	MARK OXNER FOR CONGRESS	OXNER, MARK ANTHONY	AMPARO O. OXNER	\$169,903	0		Not Filed	\$42,476 (est)	\$990
2591	C00494187	MODICA FOR SENATE	MODICA, JULIEN	JULIEN MODICA	\$673,796	2		Not Filed	\$224,599 (est)	\$10,725
2592	C00517102	Q. BYRUM HURST FOR CONGRESS	HURST, Q. BYRUM JR	QUINCY B. HURST, III	\$622,264	0		Not Filed	\$155,566 (est)	\$6,050
2593	C00499046	RICH BECKER FOR CONGRESS	BECKER, RICHARD H	JOHN B. MCBRIDE	\$862,207	0		Not Filed	\$51,853	\$2,970
2594	C00468652	RUDY MOISE FOR CONGRESS	MOISE, RUDDOLPH	MIRJAM MOISE	\$864,648	0		Not Filed	\$123,521 (est)	\$4,950

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2595	C00509620	SALOMON TORRES FOR CONGRESS	TORRES, SALOMON	JUAN E. RIVERA, CPA	\$161,597	0	11/1/2012	17	\$4,097	\$110

2597	C00518027	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	ROSARIO RODRIGUEZ	\$221,423	1		Not Filed	\$110,712 (est)	\$6,187
2598	C00497222	SUSAN ADAMS FOR CONGRESS	ADAMS, SUSAN L	TAMARA S. HULL	\$404,348	0		Not Filed	\$67,391 (est)	\$2,970
2599	C00507772	SYLVIA ROMO FOR CONGRESS	ROMO, SYLVIA S	LARRY BENSON	\$189,369	1	11/14/2012	30	\$1,000	\$218
2600	C00494773	TERRY WHITE FOR INDIANA	WHITE, TERRY A	TERRY A. WHITE	\$310,727	0		Not Filed	\$62,145 (est)	\$2,970
2601	C00509596	TEXANS FOR KY GRIFFIN	GRIFFIN, KY DOUGLAS	RHONDA GRIFFIN	\$140,452	0	11/5/2012	21	\$13,131	\$215
2602	C00499426	VINSKO FOR CONGRESS	VINSKO, BILL	GARY M. ZINGARETTI	\$313,730	0		Not Filed	\$78,433 (est)	\$3,850
2603	C00497404	WENONA FOR ARIZONA	BALDENEGRO, WENONA RAE BENALLY	SAL BALDENEGRO	\$231,159	0	11/1/2012	17	\$28,643	\$540
2604	C00511287	WILSON 2012	WILSON, THOMAS	MARY F. GRAETZER	\$321,891	2		Not Filed	\$107,297 (est)	\$7,425

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2012)
October Quarterly Report (Non-Election)
Sensitive) for the Administrative Fine)
Program:)
ANDREW HUGHES FOR CONGRESS,) AF# 2572
and JEFF UPTHEGROVE as treasurer;)
BENNETT FOR SENATE COMMITTEE,) AF# 2573
and JOSHUA A TARDY as treasurer;)
BRUCE PRILLER FOR CONGRESS, and) AF# 2574
PAULA ANDREA HBNAO as treasurer;)
BYRON GEORGIU FOR SENATE, and) AF# 2575
MATTHEW DICKSON as treasurer;)
COMMITTEE TO ELECT ERNIE BELTZ) AF# 2576
JR FOR US CONGRESS, and NATHAN)
CHRISTOPHER as treasurer;)
CONNECTICUT FOR PETER LUMAJ,) AF# 2577
and ANTON RUKAJ as treasurer;)
DAN HUGHES FOR SENATE, and) AF# 2578
MICHELLE D MOONS as treasurer;)
DAN LILJENQUIST FOR US SENATE,) AF# 2579
and MIKE MCCAULEY as treasurer;)
DR NOREN FOR US SENATE, and) AF# 2580
RICHARD PARKER as treasurer;)
ELECT CLARK HALL, and) AF# 2581
CLATWORTHY, P.R. as treasurer;)
FRIENDS OF HEATHER MCTEER, and) AF# 2582
MERCIDEES MCTEER as treasurer;)
HOOSIERS SUPPORTING BUYER FOR) AF# 2583
CONGRESS, and MATTIX, STEPHANIE)
as treasurer;)
JACKSON EATON FOR CONGRESS, and) AF# 2584
JILLIAN E O'MALLEY as treasurer;)
JIM HORN ELECTION COMMITTEE,) AF# 2585
and OLIVIA JULIA HORN as treasurer;)
KATHLEEN HICKS FOR CONGRESS,) AF# 2586
and DR CAMILLE RODRIGUEZ as)
treasurer;)
KELDA FOR CONGRESS, and) AF# 2587
LAURENE BACH as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
December 04, 2012

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LAMAR STERNAD FOR CONGRESS,) AF# 2588
and JUSTIN LAMAR STERNAD as)
treasurer;)
LEAH FOR CONGRESS, and JACOB) AF# 2589
BROWN as treasurer;)
MARK OXNER FOR CONGRESS, and) AF# 2590
AMPARO O OXNER as treasurer;)
MODICA FOR SENATE, and JULIEN) AF# 2591
MODICA as treasurer;)
Q. BYRUM HURST FOR CONGRESS,) AF# 2592
and HURST, QUINCY B. III as treasurer;)
RICH BECKER FOR CONGRESS, and) AF# 2593
MCBRIDE, JOHN B as treasurer;)
RUDY MOISE FOR CONGRESS, and) AF# 2594
MOISE, MIRJAM as treasurer;)
SALOMON TORRES FOR CONGRESS,) AF# 2595
and JUAN E RIVERA CPA as treasurer;)

STEVE SALAZAR FOR CONGRESS, and) AF# 2597
ROSARIO RODRIGUEZ as treasurer;)
SUSAN ADAMS FOR CONGRESS, and) AF# 2598
TAMARA S HULL as treasurer;)
SYLVIA ROMO FOR CONGRESS, and) AF# 2599
LARRY BENSON as treasurer;)
TERRY WHITE FOR INDIANA, and) AF# 2600
TERRY A WHITE as treasurer;)
TEXANS FOR KY GRIFFIN, and) AF# 2601
RHONDA GRIFFIN as treasurer;)
VINSKO FOR CONGRESS, and) AF# 2602
ZINGARETTI, GARY M as treasurer;)
WENONA FOR ARIZONA, and) AF# 2603
BALDENEGRO, SAL as treasurer;)
WILSON 2012, and MARY F GRAETZER) AF# 2604
as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 04, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2012 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated November 30, 2012, on the following committees:

AF#2572 Decided by a vote of 6-0 to: (1) find reason to believe that ANDREW HUGHES FOR CONGRESS, and JEFF UPTHEGROVE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2573 Decided by a vote of 6-0 to: (1) find reason to believe that BENNETT FOR SENATE COMMITTEE, and JOSHUA A TARDY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2574 Decided by a vote of 6-0 to: (1) find reason to believe that BRUCE PELLER FOR CONGRESS, and PAULA ANDREA HENAO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2575 Decided by a vote of 6-0 to: (1) find reason to believe that BYRON GEORGIU FOR SENATE, and MATTHEW DICKSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2576 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT ERNIE BELTZ JR FOR US CONGRESS, and NATHAN CHRISTOPHER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Banerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2577 Decided by a vote of 6-0 to: (1) find reason to believe that CONNECTICUT FOR PETER LUMAJ, and ANTON RUKAJ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2578 Decided by a vote of 6-0 to: (1) find reason to believe that DAN HUGHES FOR SENATE, and MICHELLE D MOONS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2579 Decided by a vote of 6-0 to: (1) find reason to believe that DAN LILJENQUIST FOR US SENATE, and MIKE MCCAULEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2580 Decided by a vote of 6-0 to: (1) find reason to believe that DR NOREN FOR US SENATE, and RICHARD PARKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2581 Decided by a vote of 6-0 to: (1) find reason to believe that ELECT CLARK HALL, and CLATWORTHY, P.R. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2582 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF HEATHER MCTEER, and MERCIDEES MCTEER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2583 Decided by a vote of 6-0 to: (1) find reason to believe that HOOSIERS SUPPORTING BUYER FOR CONGRESS, and MATTIX, STEPHANIE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2584 Decided by a vote of 6-0 to: (1) find reason to believe that JACKSON EATON FOR CONGRESS, and JILLIAN E O'MALLEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2585 Decided by a vote of 6-0 to: (1) find reason to believe that JIM HORN ELECTION COMMITTEE, and OLIVIA JULIA HORN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2586 Decided by a vote of 6-0 to: (1) find reason to believe that KATHLEEN HICKS FOR CONGRESS, and DR CAMILLE RODRIGUEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2587 Decided by a vote of 6-0 to: (1) find reason to believe that KELDA FOR CONGRESS, and LAURENE BACH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2588 Decided by a vote of 6-0 to: (1) find reason to believe that LAMAR STERNAD FOR CONGRESS, and JUSTIN LAMAR STERNAD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2589 Decided by a vote of 6-0 to: (1) find reason to believe that LEAH FOR CONGRESS, and JACOB BROWN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on

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the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2590 Decided by a vote of 6-0 to: (1) find reason to believe that MARK OXNER FOR CONGRESS, and AMPARO O OXNER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2591 Decided by a vote of 6-0 to: (1) find reason to believe that MODICA FOR SENATE, and JULIEN MODICA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2592 Decided by a vote of 6-0 to: (1) find reason to believe that Q. BYRUM HURST FOR CONGRESS, and HURST, QUINCY B. III as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2593 Decided by a vote of 6-0 to: (1) find reason to believe that RICH BECKER FOR CONGRESS, and MCBRIDE, JOHN B as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2594 Decided by a vote of 6-0 to: (1) find reason to believe that RUDY MOISE FOR CONGRESS, and MOISE, MIRJAM as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2595 Decided by a vote of 6-0 to: (1) find reason to believe that SALOMON TORRES FOR CONGRESS, and JUAN E RIVERA CPA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2597 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2598 Decided by a vote of 6-0 to: (1) find reason to believe that SUSAN ADAMS FOR CONGRESS, and TAMARA S HULL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2599 Decided by a vote of 6-0 to: (1) find reason to believe that SYLVIA ROMO FOR CONGRESS, and LARRY BENSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2600 Decided by a vote of 6-0 to: (1) find reason to believe that TERRY WHITE FOR INDIANA, and TERRY A WHITE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2601 Decided by a vote of 6-0 to: (1) find reason to believe that TEXANS FOR KY GRIFFIN, and RHONDA GRIFFIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2602 Decided by a vote of 6-0 to: (1) find reason to believe that VINSKO FOR CONGRESS, and ZINGARETTI, GARY M as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2603 Decided by a vote of 6-0 to: (1) find reason to believe that WENONA FOR ARIZONA, and BALDENEGRO, SAL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2604 Decided by a vote of 6-0 to: (1) find reason to believe that WILSON 2012, and MARY F GRAETZER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 4, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 5, 2012

Julien Modica, in official capacity as Treasurer
Modica for Senate
1666 Washington Plaza N
Reston, VA 20190

C00494187
AF#: 2591

Dear Mr. Modica:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30, 2012, shall be filed no later than October 15, 2012. 2 U.S.C. 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 4, 2012, the FEC found that there is reason to believe ("RTB") that Modica for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$10,725. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$10,725 is due within forty (40) days of the finding, or by January 13, 2013, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$224,599
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 2

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 13, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Modica for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$10,725 for the 2012 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 13, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Modica for Senate

FEC ID#: C00494187

AF#: 2591

PAYMENT DUE DATE: January 13, 2013

PAYMENT AMOUNT DUE: \$10,725

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 FEB 22 PM 3: 53

February 22, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *WJ* Jodi Winship/Sari Pickerall *JP*
Compliance Branch

SUBJECT: Administrative Fine Program –Final Determination Recommendation for the
2012 October Quarterly Report (Non-Election Sensitive)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 October Quarterly Report (Non-Election Sensitive). The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, seventeen (17) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, thirteen (13) committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and four (4) committees will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

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Andrew Hughes for Congress (AF 2572) filed the 2012 Year End Report with coverage dates including the October Quarterly period after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$26,521 (previously estimated to be \$92,987), thus the fine would be lowered from \$3,850 to \$990.

Bruce Peller for Congress (AF 2574) filed the 2012 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$4,000 (previously estimated to be \$35,477), thus the fine would be lowered from \$990 to \$250.

Byron Georgiou for Senate (AF 2575) filed the 2012 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$78 (previously estimated to be \$581,709), thus the fine would be lowered from \$11,000 to \$78.

Committee to Elect Ernie Beltz, Jr. for US Congress (AF 2576) filed the 2012 Termination Report with coverage dates including the October Quarterly period after the RTB finding and disclosed no activity (previously estimated to be \$50,586), which would result in no civil money penalty (fine previously assessed to be \$2,970).

Connecticut for Peter Lumaj (AF 2577) filed the 2012 Termination Report with coverage dates including the October Quarterly period after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$586 (previously estimated to be \$131,967), thus the fine would be lowered from \$4,950 to \$250.

Dan Hughes for Senate (AF 2578) filed the 2012 Termination Report with coverage dates including the October Quarterly period after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$354 (previously estimated to be \$164,290), thus the fine would be lowered from \$6,050 to \$250.

Jackson Eaton for Congress (AF 2584) filed the 2012 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and

disbursements of \$2,879 (previously estimated to be \$122,641), thus the fine would be lowered from \$4,950 to \$250.

Kathleen Hicks for Congress (AF 2586) filed the 2012 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$45,437), which would result in no civil money penalty (fine previously assessed to be \$990).

Leah for Congress (AF 2589) filed the 2012 Termination Report with coverage dates of the October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$15,026 (previously estimated to be \$42,984), thus the fine would be lowered from \$990 to \$550.

Q. Byrum Hurst for Congress (AF 2592) filed the 2012 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$3,994 (previously estimated to be \$155,566), thus the fine would be lowered from \$6,050 to \$250.

Rudy Moise for Congress (AF 2594) filed the 2012 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$72,975 (previously estimated to be \$123,521), thus the fine would be lowered from \$4,950 to \$2,970.

Steve Salazar for Congress (AF 2597) disclosed no activity after the RTB finding (previously estimated to be \$110,712), which would result in no civil money penalty (fine previously assessed to be \$6,187).

Terry White for Indiana (AF 2600) filed the 2012 Termination Report with coverage dates including the October Quarterly period after the RTB finding and disclosed no activity (previously estimated to be \$62,145), which would result in no civil money penalty (fine previously assessed to be \$2,970).

Vinsko for Congress (AF 2602) filed the 2012 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$4,524 (previously estimated to be \$78,433), thus the fine would be lowered from \$3,850 to \$250.

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Wilson 2012 (AF 2604) filed the 2012 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$10,897 (previously estimated to be \$107,297), thus the fine would be lowered from \$7,425 to \$825.

In addition, two (2) committees detailed below designated a new Treasurer after the RTB finding:

- Terry White for Indiana (AF 2600) filed an Amended Statement of Organization designating Philip Schnautz as Treasurer (see second list).

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Make final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 2 U.S.C. § 434(a) and will not be assessed a civil money penalty.
- (3) Send the appropriate letters.

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Federal Election Commission
FD Circulation Report Fine Paid
2012 OCTOBER QUARTERLY Not Election Sensitive 10/15/2012 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2573	BENNETT FOR SENATE COMMITTEE	BENNETT, RICHARD A	C00516468	JOSHUA A. TARDY	10/31/2012	16	\$6,000	0	12/04/2012	\$135	\$135	01/15/2013	\$135
2581	ELECT CLARK HALL	HALL, CLARK MADISON	C00504845	P.R. CLATWORTHY	10/22/2012	7	\$11,803	0	12/04/2012	\$145	\$145	12/26/2012	\$145
2583	HOOSIERS SUPPORTING BUYER FOR CONGRESS	BUYER, CONGRESSMAN STEVE	C00255471	STEPHANIE MATTIX	11/19/2012	Not Filed	\$15,938	0	12/04/2012	\$550	\$550	01/09/2013	\$550
2590	MARK OXNER FOR CONGRESS	OXNER, MARK ANTHONY	C00503359	AMPARO O. OXNER	12/18/2012	Not Filed	\$28,466	0	12/04/2012	\$990	\$990	01/14/2013	\$990
2595	SALOMON TORRES FOR CONGRESS	TORRES, SALOMON	C00509620	JUAN E. RIVERA, CPA	11/01/2012	17	\$4,097	0	12/04/2012	\$110	\$110	01/16/2013	\$110
2601	TEXANS FOR KY GRIFFIN	GRIFFIN, KY DOUGLAS	C00508596	RHONDA GRIFFIN	11/05/2012	21	\$13,131	0	12/04/2012	\$215	\$215	01/08/2013	\$215

Federal Election Commission
FD Circulation Report: Fine Not Paid
2012 OCTOBER QUARTERLY Not Election Sensitive 10/15/2012 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2572	ANDREW HUGHES FOR CONGRESS	HUGHES, ANDREW IFITS	C00499491	JEFF UP THE GROVE	02/19/2013	Not Filed	\$26,521	0	12/04/2012	\$3,850	80	\$990
2574	BRUCE PELLER FOR CONGRESS	PELLER, BRUCE G	C00519886	PAULA ANDREA HENAO	01/24/2013	Not Filed	\$4,000	0	12/04/2012	\$990	80	\$250
2575	BYRON GEORGIU FOR SENATE	GEORGIU, BYRON	C00493742	MATTHEW DICKSON	12/17/2012	Not Filed	\$78	0	12/04/2012	\$11,000	80	\$78
2576	COMMITTEE TO ELECT ERNIE BELTZ JR FOR US CONGRESS	BELTZ, ERNIE ALAN JR	C00508705	NATHAN CHRISTOPHER	02/05/2013	Not Filed	\$0	0	12/04/2012	\$2,970	80	NONE
2577	CONNECTICUT FOR PETER LUMAJ	LUMAJ, PJERIN (PETER)	C00504266	ANTON RUKAJ	12/28/2012	Not Filed	\$586	0	12/04/2012	\$4,950	80	\$250
2578	DAN HUGHES FOR SENATE	HUGHES, DANIEL J	C00506741	MICHELLE D. MOONS	11/21/2012	Not Filed	\$354	0	12/04/2012	\$6,050	80	\$250
2580	DR NOREN FOR US SENATE	NOREN, SCOTT ANDREW	C00468422	RICHARD PARKER	11/08/2012	24	\$16,078	0	12/04/2012	\$230	80	\$230
2582	FRIENDS OF HEATHER MC TEER	MC TEER, HEATHER	C00495119	DEXTER TONEY	02/01/2013	Not Filed	\$22,709	1	12/04/2012	\$6,187	80	\$687
2584	JACKSON EATON FOR CONGRESS	EATON, J JACKSON	C00507004	JILLIAN E. O'MALLEY	01/18/2013	Not Filed	\$2,879	0	12/04/2012	\$4,950	80	\$250
2585	JIM HORN ELECTION COMMITTEE	HORN, JIM	C00478818	OLIVIA JULIA HORN		Not Filed	\$36,581 (est)	1	12/04/2012	\$1,237	80	\$1,237
2586	KATHLEEN HICKS FOR CONGRESS	HICKS, ERIN KATHLEEN	C00507590	DR. CAMILLE RODRIGUEZ	01/03/2013	Not Filed	\$0	0	12/04/2012	\$990	80	NONE
2587	KELDA FOR CONGRESS	ROYS, KELDA HELEN	C00501965	LAURENE BACH	12/28/2012	Not Filed	\$153,223	0	12/04/2012	\$6,050	80	\$6,050
2588	LAMAR STERNAD FOR CONGRESS	STERNAD, JUSTIN LAMAR	C00505529	JUSTIN LAMAR STERNAD		Not Filed	\$32,149 (est)	0	12/04/2012	\$990	80	\$990
2589	LEAH FOR CONGRESS	SCHANDLBAUER, LEAH CAMPOS	C00517110	JACOB BROWN	12/31/2012	Not Filed	\$15,026	0	12/04/2012	\$990	80	\$550
2591	MODICA FOR SENATE	MODICA, JULIEN	C00494187	JULIEN MODICA		Not Filed	\$224,599 (est)	2	12/04/2012	\$10,725	80	\$10,725
2592	Q. BYRUM HURST FOR CONGRESS	HURST, Q. BYRUM JR	C00517102	QUINCY B. HURST, III	01/14/2013	Not Filed	\$3,994	0	12/04/2012	\$6,050	80	\$250
2593	RICH BECKER FOR CONGRESS	BECKER, RICHARD H	C00499046	JOHN B. MCBRIDE	01/31/2013	Not Filed	\$51,869	0	12/04/2012	\$2,970	80	\$2,970
2594	RUDY MOISE FOR CONGRESS	MOISE, RUDOLPH	C00468652	MIRJAM MOISE	01/08/2013	Not Filed	\$72,975	0	12/04/2012	\$4,950	80	\$2,970

2597	STEVE SALAZAR FOR CONGRESS	SALAZAR, STEVE	C00518027	ROSARIO RODRIGUEZ		Not Filed	\$0	1	12/04/2012	\$6,187	80	NONE
2598	SYLVIA ROMO FOR CONGRESS	ROMO, SYLVIA S	C00507772	LARRY BENSON	11/14/2012	30	\$1,000	1	12/04/2012	\$218	80	\$218
2600	TERRY WHITE FOR INDIANA	WHITE, TERRY A	C00494773	PHILIP SCHNAUTZ	01/11/2013	Not Filed	\$0	0	12/04/2012	\$2,970	80	NONE
2602	VINSKO FOR CONGRESS	VINSKO, BILL	C00499426	GARY M. ZINGARETTI	01/31/2013	Not Filed	\$4,524	0	12/04/2012	\$3,850	80	\$250
2603	WENONA FOR ARIZONA	BALDENEGRO, WENONA	C00497404	SAL BALDENEGRO	11/01/2012	17	\$28,643	0	12/04/2012	\$540	80	\$540
2604	WILSON 2012	RAE BENALLY WILSON, THOMAS	C00511287	MARY F. GRAETZER	02/08/2013	Not Filed	\$10,897	2	12/04/2012	\$7,425	80	\$825

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Administrative Fine Program - Final)	
Determination Recommendation for the)	
2012 October Quarterly Report (Non-)	
Election Sensitive):)	
ANDREW HUGHES FOR CONGRESS,	)	AF# 2572
and JEFF UPTHEGROVE as treasurer;)	
BENNETT FOR SENATE COMMITTEE,	)	AF# 2573
and JOSHUA A. TARDY as treasurer;)	
BRUCE PELLER FOR CONGRESS, and	)	AF# 2574
PAULA ANDREA HENAO as treasurer;)	
BYRON GEORGIU FOR SENATE, and	)	AF# 2575
MATTHEW DICKSON as treasurer;)	
COMMITTEE TO ELECT ERNIE BELTZ	)	AF# 2576
JR FOR US CONGRESS, and NATHAN)	
CHRISTOPHER as treasurer;)	
CONNECTICUT FOR PETER LUMAJ,	)	AF# 2577
and ANTON RUKAJ as treasurer;)	
DAN HUGHES FOR SENATE, and	)	AF# 2578
MICHELLE D MOONS as treasurer;)	
DR NOREN FOR US SENATE, and	)	AF# 2580
RICHARD PARKER as treasurer;)	
ELECT CLARK HALL, and	)	AF# 2581
CLATWORTHY, P.R. as treasurer;)	
FRIENDS OF HEATHER MCTEER, and	)	AF# 2582
TONY, DEXTER as treasurer;)	
HOOSIERS SUPPORTING BUYER FOR	)	AF# 2583
CONGRESS, and MATTIX, STEPHANIE)	
as treasurer;)	
JACKSON EATON FOR CONGRESS, and	)	AF# 2584
JILLIAN E O'MALLEY as treasurer;)	
JIM HORN ELECTION COMMITTEE,	)	AF# 2585
and OLIVIA JULIA HORN as treasurer;)	
KATHLEEN HICKS FOR CONGRESS,	)	AF# 2586
and DR CAMILLE RODRIGUEZ as)	
treasurer;)	

Federal Election Commission
Certification for Administrative Fines
February 26, 2013

Page 2

KELDA FOR CONGRESS, and) AF# 2587
LAURENE BACH as treasurer;)
LAMAR STERNAD FOR CONGRESS,) AF# 2588
and JUSTIN LAMAR STERNAD as)
treasurer;)
LEAH FOR CONGRESS, and JACOB) AF# 2589
BROWN as treasurer;)
MARK OXNER FOR CONGRESS, and) AF# 2590
AMPARO O OXNER as treasurer;)
MODICA FOR SENATE, and JULIEN) AF# 2591
MODICA as treasurer;)
Q. BYRUM HURST FOR CONGRESS,) AF# 2592
and HURST, QUINCY B. III as treasurer;)
RICH BECKER FOR CONGRESS, and) AF# 2593
MCBRIDE, JOHN B as treasurer;)
RUDY MOISE FOR CONGRESS, and) AF# 2594
MOISE, MIRJAM as treasurer;)
SALOMON TORRES FOR CONGRESS,) AF# 2595
and JUAN E RIVERA CPA as treasurer;)

STEVE SALAZAR FOR CONGRESS, and) AF# 2597
ROSARIO RODRIGUEZ as treasurer;)
SYLVIA ROMO FOR CONGRESS, and) AF# 2599
LARRY BENSON as treasurer;)
TERRY WHITE FOR INDIANA, and) AF# 2600
PHILIP SCHNAUTZ as treasurer;)
TEXANS FOR KY GRIFFIN, and) AF# 2601
RHONDA GRIFFIN as treasurer;)
VINSKO FOR CONGRESS, and) AF# 2602
ZINGARETTI, GARY M as treasurer;)
WENONA FOR ARIZONA, and) AF# 2603
BALDENEGRO, SAL as treasurer;)
WILSON 2012, and MARY F GRAETZER) AF# 2604
as treasurer;)

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 26, 2013 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2012 October Quarterly Report (Non-Election Sensitive) as recommended in the Reports Analysis Division's Memorandum dated February 22, 2013, on the following committees:

AF#2572 Decided by a vote of 5-0 to: (1) make a final determination that ANDREW HUGHES FOR CONGRESS, and JEFF UPTHEGROVE as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2573 Decided by a vote of 5-0 to: (1) make a final determination that BENNETT FOR SENATE COMMITTEE, and JOSHUA A. TARDY as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2574 Decided by a vote of 5-0 to: (1) make a final determination that BRUCE PELLER FOR CONGRESS, and PAULA ANDREA HENAO as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2575 Decided by a vote of 5-0 to: (1) make a final determination that BYRON GEORGIU FOR SENATE, and MATTHEW DICKSON as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2576 Decided by a vote of 5-0 to: (1) make a final determination that COMMITTEE TO ELECT ERNIE BELTZ JR FOR US CONGRESS, and NATHAN CHRISTOPHER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2577 Decided by a vote of 5-0 to: (1) make a final determination that CONNECTICUT FOR PETER LUMAJ, and ANTON RUKAJ as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2578 Decided by a vote of 5-0 to: (1) make a final determination that DAN HUGHES FOR SENATE, and MICHELLE D MOONS as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2580 Decided by a vote of 5-0 to: (1) make a final determination that DR NOREN FOR US SENATE, and RICHARD PARKER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2581 Decided by a vote of 5-0 to: (1) make a final determination that ELECT CLARK HALL, and CLATWORTHY, P.R. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2582 Decided by a vote of 5-0 to: (1) make a final determination that FRIENDS OF HEATHER MCTEER, and TONEY, DEXTER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2583 Decided by a vote of 5-0 to: (1) make a final determination that HOOSIERS SUPPORTING BUYER FOR CONGRESS, and MATTIX, STEPHANIE as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2584 Decided by a vote of 5-0 to: (1) make a final determination that JACKSON BATON FOR CONGRESS, and JILLIAN E O'MALLEY as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2585 Decided by a vote of 5-0 to: (1) make a final determination that JIM HORN ELECTION COMMITTEE, and OLIVIA JULIA HORN as treasurer, violated 2

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U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2586 Decided by a vote of 5-0 to: (1) make a final determination that KATHLEEN HICKS FOR CONGRESS, and DR CAMILLE RODRIGUEZ as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2587 Decided by a vote of 5-0 to: (1) make a final determination that KELDA FOR CONGRESS, and LAURENE BACH as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2588 Decided by a vote of 5-0 to: (1) make a final determination that LAMAR STERNAD FOR CONGRESS, and JUSTIN LAMAR STERNAD as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2589 Decided by a vote of 5-0 to: (1) make a final determination that LEAH FOR CONGRESS, and JACOB BROWN as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2590 Decided by a vote of 5-0 to: (1) make a final determination that MARK OXNER FOR CONGRESS, and AMPARO O OXNER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2591 Decided by a vote of 5-0 to: (1) make a final determination that MODICA FOR SENATE, and JULIEN MODICA as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2592 Decided by a vote of 5-0 to: (1) make a final determination that Q. BYRUM HURST FOR CONGRESS, and HURST, QUINCY B. III as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2593 Decided by a vote of 5-0 to: (1) make a final determination that RICH BECKER FOR CONGRESS, and MCBRIDE, JOHN B as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2594 Decided by a vote of 5-0 to: (1) make a final determination that RUDY MOISE FOR CONGRESS, and MOISE, MIRJAM as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2595 Decided by a vote of 5-0 to: (1) make a final determination that SALOMON TORRES FOR CONGRESS, and JUAN E RIVERA CPA as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2597 Decided by a vote of 5-0 to: (1) make a final determination that STEVE SALAZAR FOR CONGRESS, and ROSARIO RODRIGUEZ as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2599 Decided by a vote of 5-0 to: (1) make a final determination that SYLVIA ROMO FOR CONGRESS, and LARRY BENSON as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2600 Decided by a vote of 5-0 to: (1) make a final determination that TERRY WHITE FOR INDIANA, and PHILIP SCHNAUTZ as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2601 Decided by a vote of 5-0 to: (1) make a final determination that TEXANS FOR KY GRIFFIN, and RHONDA GRIFFIN as treasurer, violated 2 U.S.C. 434(a) and

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assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2602 Decided by a vote of 5-0 to: (1) make a final determination that VINSKO FOR CONGRESS, and ZINGARETTI, GARY M as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2603 Decided by a vote of 5-0 to: (1) make a final determination that WENONA FOR ARIZONA, and BALDENEGRO, SAL as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2604 Decided by a vote of 5-0 to: (1) make a final determination that WILSON 2012, and MARY F GRAETZER as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 27, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 2013

Julien Modica, in official capacity as Treasurer
Modica for Senate
1666 Washington Plaza N
Reston, VA 20190

C00494187
AF#: 2591

Dear Mr. Modica:

On December 4, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Modica for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 October Quarterly Report. By letter dated December 5, 2012, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage to be \$10,725 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you, as treasurer, were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2012 October Quarterly Report if you have not already done so.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on February 26, 2013 that Modica for Senate and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$10,725 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$224,599
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 2

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the district court of the United States for the district in which the committee or you reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 4 within thirty (30) days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

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On behalf of the Commission,

Ellen L. Weintraub

Ellen L. Weintraub
Chair

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ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$10,725 for the 2012 October Quarterly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within thirty (30) days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Modica for Senate

FEC ID#: C00494187

AF#: 2591

PAYMENT AMOUNT DUE: \$10,725

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U.S. Department of the Treasury
Financial Management Service
Debt Collection Programs

(Cross-Servicing Program and Treasury Offset Program)

Calendar Year 2013 Annual Debt Certification Agreement for Federal Nontax Debts

This Annual Debt Certification Agreement for Federal Nontax Debts (Certification Agreement) is submitted by: (Creditor Agency) Federal Election Commission (FEC)

Section I: Background

- A. The U.S. Department of the Treasury, Financial Management Service (FMS), provides debt collection services to Federal agencies that are owed delinquent debt.
- B. Federal agencies are generally required to submit debts that have been delinquent for 180 days to FMS for debt collection services, and may submit debts sooner if the necessary prerequisites are met. See 31 U.S.C. §§ 3711(g) and 3716(c).
- C. Upon submitting debts to FMS for debt collection services, Federal agencies are required to certify to FMS, among other things, that the debts are valid, legally enforceable, there are no bars to collection, and all requisite due process has been completed, as set forth in this Certification Agreement.
- D. The definitions of terms used in this Certification Agreement are in Attachment A, Definitions of Terms Used in Certification Agreement.

Section II: General Provisions

The Creditor Agency understands and agrees to the following:

- A. **Scope.** The provisions of this Certification Agreement apply to all Debts submitted by Electronic Transmission on or after the date of the Certification Agreement by the Creditor Agency to FMS for collection through the Cross-Servicing Program and/or the Treasury Offset Program.
- B. **Certification Authority.** Only an individual with delegated authority to certify a Debt on behalf of the Creditor Agency will submit a Debt to FMS via an Add Record or Update Record. The Creditor Agency will provide a copy of this Certification Agreement to any such individual.

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C. Changes to Debt Information.

1. The Creditor Agency understands its obligation to notify FMS: (a) of any change in the amount, validity, or legal enforceability of the Debt; and (b) if the Debt becomes subject to circumstances that legally preclude or bar collection.
2. The Creditor Agency authorizes FMS to Update Records on its behalf, in accordance with criteria established by FMS, for the purpose of adding alias Debtor name information for a Debt certified by the Creditor Agency. Creditor Agency will notify FMS as soon as it learns that any such updates are incorrect.

Section III: Debt Certification

The Creditor Agency understands that by submitting a Debt to FMS via an Add Record or Update Record, the individual submitting the Debt is certifying to FMS, in writing, under penalty of perjury, that, to the best of his or her knowledge and belief, the following is true and correct:

A. General Prerequisites for Collection.

1. **Valid Debts.** The Creditor Agency has made a final determination that the Debt is valid and legally enforceable in the amount stated, and that the Debt is not subject to any circumstances that legally preclude or bar collection.
2. **Delinquent Debts.** The Debt is delinquent, and the Debtor is not paying the Debt in accordance with any repayment plan agreed to by the Creditor Agency.
3. **Interest, Penalties, and Administrative Costs.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3717 and 31 CFR 901.9, as well as other statutes, regulations, and policies applicable to Creditor Agency's assessment of interest, penalties, and administrative costs on the Debt. The Creditor Agency has provided a written notice to the Debtor explaining the Creditor Agency's requirements concerning the assessment of interest, penalties, and administrative costs.
4. **Debtor Disputes.** The Creditor Agency has considered any and all evidence presented by the Debtor disputing the Creditor Agency's determination about the Debt, and there are no pending appeals of such determination that would preclude collection of the Debt.
5. **Collection Efforts.** The Creditor Agency has made reasonable efforts to obtain payment of the Debt, including, at a minimum, by demanding payment of the Debt.
6. **Creditor Agency Profile Form.** The Creditor Agency Profile Form has been completed by the Creditor Agency and is accurate and up-to-date.

B. General Prerequisites for Collection by Offset, including Tax Refund Offset. If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal and State tax and nontax payments:

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1. ***Compliance with Offset Laws.*** The Creditor Agency has complied with all of the provisions of 31 U.S.C. §§ 3716 and 3720A, 31 CFR Part 285, and the Federal Claims Collection Standards (31 CFR Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to the collection of the Debt by offset.
 2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with:
 - a. a written notification, at the Debtor's most current known address, of the nature and the amount of the Debt, the intention of the Creditor Agency to collect the Debt through offset, including offset of Federal and State payments, and an explanation of the rights of the Debtor;
 - b. an opportunity to inspect and copy the records of the Creditor Agency with respect to the Debt;
 - c. an opportunity for review of the Creditor Agency's determination with respect to the Debt, including an opportunity to present evidence that all or part of the Debt is not delinquent or legally enforceable; and
 - d. an opportunity to enter into a written repayment agreement with the Creditor Agency.
 3. ***Due Process Prerequisites for Certain Older Debts.*** For a Debt outstanding more than ten years on or before December 28, 2009, the Creditor Agency sent the notice described in Section III.B.2.a to the last known address of the Debtor after the Debt was outstanding for more than ten years, and afforded the Debtor the opportunities described in Sections III.B.2.b. - II.B.2.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 28, 2009.

C. *Prerequisites for Collection by Federal Salary Offset.* If, through a Salary Offset Instruction, the Creditor Agency has authorized FMS to collect the Debt by offsetting Federal salary payments:

1. ***Compliance with Federal Salary Offset Laws.*** The Creditor Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 CFR §§ 550.1101-1110, and 31 CFR 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset; and
2. ***Due Process Prerequisites.*** At least 60 days prior to the Certification Date, the Creditor Agency has provided, or made a reasonable attempt to provide, in accordance with applicable offset regulations, each Debtor with the notification and opportunities required by Sections III.B.2. and III.B.3., and any other notices, opportunities, or considerations required for Federal salary offset.

D. **Consumer Reporting Agencies.** If, in the Creditor Agency Profile Form, the Creditor Agency has authorized FMS to disclose Debts to consumer reporting agencies:

1. **Compliance with Consumer Reporting Agency Requirements.** The Creditor Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations, and policies applicable to the reporting of a delinquent Debt to consumer reporting agencies.
2. **Notice Prerequisites.** At least 60 days prior to the Certification Date, the Creditor Agency provided the Debtor with:
 - a. notification that the Debt is overdue and the Creditor Agency intends to disclose that the Debtor is responsible for the Debt to a consumer reporting agency;
 - b. the specific information to be disclosed to the consumer reporting agency; and
 - c. the Debtor's rights to an explanation of the claim, dispute the information in the Creditor Agency's records about the claim, and an administrative appeal or review of the claim; and
3. **Review Prerequisites.** Upon the request of a Debtor, the Creditor Agency has provided for a review of the Debtor's claim(s), including an opportunity for reconsideration of the initial decision on the Debt.

Section IV: Certification

By signing below, I certify that I have delegated authority to execute this Certification Agreement on behalf of the head of Creditor Agency and understand this agreement applies to all debts submitted by Electronic Transmission on or after the date of the Certification Agreement to FMS for collection through the Cross-Servicing Program and/or the Treasury Offset Program.

Signature

Judy Berning

Print Name

Chief Finance Officer

Title

Date

**U.S. Department of the Treasury
Financial Management Service
Debt Collection Programs**

(Cross-Servicing Program and Treasury Offset Program)

Annual Debt Certification Agreement for Federal Nontax Debts

ATTACHMENT A

Definitions of Terms Used in Certification Agreement

For the purposes of this Certification Agreement:

1. **Add Records.** "Add Records" means the addition of new Debts, by Electronic Transmission, to the Cross-Servicing Program or TOP, by the Creditor Agency with an instruction by the Creditor Agency directing the Financial Management Service (FMS) to take collection action on the Debt, in accordance with the specification in the FMS Technical Guidance. "Add Records" occurs when the Creditor Agency submits a Debt to FMS unless the Creditor Agency explicitly instructs FMS not to take collection action (in accordance with the specifications of the FMS Technical Guidance). As further specified in the FMS Technical Guidance, "Add Records" can be accomplished either through a batch or manual process.
2. **Certification Date.** "Certification Date" means the date of the Electronic Transmission of the Debt.
3. **Creditor Agency Profile Form.** "Creditor Agency Profile Form" means the document(s) the Creditor Agency completes to provide information to FMS, including, among other things, what tools FMS is authorized to use to collect Debts on behalf of the Creditor Agency, and contact information for the Creditor Agency's personnel who are available to assist FMS with questions related to the transferred Debt. The Creditor Agency Profile Form is an FMS document that FMS sends to agencies for completion.
4. **Cross-Servicing Program.** "Cross-Servicing Program" means FMS's debt collection program in which FMS uses a variety of debt collection tools, including TOP, to collect delinquent nontax debts on behalf of Federal agencies.
5. **Debt.** "Debt" means any federal nontax debt, any information about such a debt, any information about the Debtor associated with the debt, and any update, change, or modification to such information.
6. **Debtor.** "Debtor" means a person who owes a Debt.
7. **Debtor Detail Screen.** "Debtor Detail Screen" means the screen in the TOP Web Client (as defined in FMS Technical Guidance) on which a Debt can be entered.

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8. **Electronic Transmission.** "Electronic Transmission" means any transmission of information to FMS from the Creditor Agency via any form of electronic media including, but not limited to, tapes, diskettes, and on-line access through an Add Records, an Update Records, or a Salary Offset Instruction.
 9. **FMS Technical Guidance.** "FMS Technical Guidance" means the technical guidance issued by FMS that, among other things, instructs agencies how to Add Records and Update Records. "FMS Technical Guidance" includes:
 - a. ***Direct Referrals to TOP.*** For direct referrals to TOP, "FMS Technical Guidance" includes:
 - i. "Treasury Offset Program Agency Guide: The Official Federal Agency Guide to the Treasury Offset Program," version 2010.3, as updated from time-to-time;
 - ii. "Treasury Offset Program: Enhanced Record Layouts Version 3.2 with Definitions, Error Codes and Layout Mapping," as updated from time-to-time;
 - iii. "Integrated Agency Interface File Formats," version 3.30t, as updated from time-to-time;
 - iv. "Treasury Offset Program: The Online Client Agency User Guide," version 1.0, as updated from time-to-time; and
 - v. Any other guidance issued by FMS providing technical specifications for how to refer Debts directly to TOP.
 - b. ***Referrals to the Cross-Servicing Program.*** For referrals to the Cross-Servicing Program, "FMS Technical Guidance" includes:
 - i. "Integrated Agency Interface File Format For Cross-Servicing," version 3.30.1, as updated from time-to-time;
 - ii. "XDC FedDebt Referral File Format: Electronic Case Entry for Cross-Servicing," as updated from time-to-time;
 - iii. "FedDebt Online Functionality: Creating a Case Online," revised 12/2010, as updated from time-to-time;
 - iv. "Cross-Servicing Implementation Guide," revised August 2008, as updated from time-to-time; and
 - v. Any other guidance issued by FMS providing technical specifications for how to refer Debts to the Cross-Servicing Program.
 10. **Record Type 6.** "Record Type 6" means the record layout used for sending data to TOP, and includes information regarding what payments should be excluded from offset.
 11. **Salary Offset Instruction.** "Salary Offset Instruction" means the salary bypass indicator used by the Creditor Agency to indicate to TOP whether or not a Debt should be collected through the offset of Federal salary payments. As further specified in the FMS Technical Guidance:
 - a. ***No Offset of Federal Salary Payments.*** To direct that FMS not collect a Debt through the offset of Federal salary payments, the Creditor Agency must:

- i. Transmit the file with a Record Type 6 containing an A in the Action Field and SAL in the Payment Bypass Indicator Field;
- ii. Indicate in the Creditor Agency's Agency Profile (i.e., the default settings established by the Creditor Agency) that Federal salary payments should not be offset;
- iii. Manually check the "salary by-pass" column online through the Debtor Detail Screen; or
- iv. Follow other relevant guidance in the FMS Technical Guidance regarding how to bypass salary payments.

b. **Offset Federal Salary Payments.** The Creditor Agency directs FMS to collect a Debt through the offset of Federal salary payments as follows:

- i. If the Creditor Agency submits a Debt to FMS without a specific indication that the Debt should not be collected through the offset of Federal salary payments (see paragraph 11.a. of this Attachment A, above), the Creditor Agency has indicated that the Debt should be collected through the offset of Federal salary payments;
- ii. If the Creditor Agency has previously indicated that Federal salary payments not be offset, to indicate that Federal salary payments be offset, the Creditor Agency must:
 - (a) Send a Record Type 6 with a D in the Action Field and SAL in the Payment Bypass Indicator Field;
 - (b) Send a Record Type 6 with a U in the Action Field and SAL in the Payment Bypass Indicator Field; or
 - (c) Indicate in the Creditor Agency's Agency Profile (i.e., the default settings established by the Creditor Agency) that Federal salary payments should be offset; or
- iii. The Creditor Agency must follow other relevant guidance in the FMS Technical Guidance regarding how to offset Federal salary payments.

12. **Treasury Offset Program or TOP.** "Treasury Offset Program" or "TOP" means the FMS's debt matching and payment offset program that uses payment and debt data received from Federal agencies and States to collect delinquent debt from payments disbursed by FMS and other Federal and State disbursing agencies.

13. **Update Records.** "Update Records" means any update, change or modification of information about a Debt previously transmitted by the Creditor Agency. Specifically, "Update Records" includes any update, change or modification of information about such a Debt that is submitted to FMS, by Electronic Transmission, through either a batch or manual process, as further specified by the FMS Technical Guidance.



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2591

DATE SCANNED

11/25/13

SCANNER NO.

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SCAN OPERATOR

SES

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